

# **EXHIBIT D**

Page 1

1

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CASE NO. 3:16-cv-08523-FLW-TJB

3

4 NEW REFLECTIONS PLASTIC :  
5 SURGERY, LLC, : DEPOSITION OF:  
6 Plaintiff, : IAN BRODRICK, M.D.  
7 -vs- :  
8 REFLECTIONS CENTER FOR SKIN :  
9 AND BODY, PC, :  
10 Defendant. :  
11

10

11 TRANSCRIPT of testimony as taken by and  
12 before JOANNE CIASULLI, a Certified Court Reporter  
13 and Notary Public of the State of New Jersey, at the  
14 offices of HYATT HOUSE HOTEL, 194 Park Avenue,  
15 Morristown, New Jersey 07960, on Friday, February 9,  
16 2018, commencing at 6:38 p.m. pursuant to notice.

17

18

19

20

21

22

23

24

25

Page 2

1

2 A P P E A R A N C E S:

3

MEREDITH & KEYHANI, PLLC  
205 Main Street  
East Aurora, New York 14052  
212-380-1325  
[dkeyhani@meredithkeyhani.com](mailto:dkeyhani@meredithkeyhani.com)  
BY: DARIUS KEYHANI, ESQ.  
FRANCES STEPHENSON, ESQ.  
Attorney for Plaintiff

7

LERNER DAVID LITTENBERG  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
908-654-5000  
[gparadise@lernerdaid.com](mailto:gparadise@lernerdaid.com)  
BY: GREGG A. PARADISE, ESQ.  
Attorney for Defendant

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 10

1           Q     But you didn't change the hours? The  
2     hours were the same?

3           A     Not for awhile.

4           Q     And what was the name of this practice?

5           A     It was called Priority Medical Care.

6           Q     And as you said it was kind of like the  
7     urgent care places we have today?

8           A     Correct.

9           Q     Did you and Dr. Chasin provide the same  
10    kind of services that you described or was anybody  
11    specialized in one particular area or another?

12          A     At that point we were in the same  
13    services.

14          Q     And did that change over time at any point  
15    where you might do certain things or no, you guys  
16    just did the same things for the most part going  
17    forward?

18          A     Over time it changed.

19          Q     To the extent you can remember, about when  
20    did it change and how did it change?

21          A     I'm not entirely sure of the dates. I  
22    would say somewhere in the late '90s, maybe before  
23    the millennium, we introduced a new procedure in the  
24    practice which was laser hair removal.

25          Q     Laser --

Page 15

1       that were added, one was this and what was the other  
2       one?

3           A     Again, that was a practice managed and  
4       then bought so subsumed into you know. And it was  
5       run as a DOB -- wait, yeah -- no, DBA. But it was  
6       became part of Priority Medical Care but it retained  
7       its name of Total Care of Occupational Medicine.

8           Q     And you did Dr. Chasin managed that,  
9       mostly you did?

10          A     I managed that.

11          Q     Fair enough.

12          A     I mean, he was involved in the transition  
13       and the negotiation with the hospital but once it  
14       got to, again, it was to the point where we were  
15       really getting very involved in the aesthetics and  
16       there was just not enough time to do both things so  
17       I focused on that and he focused on the aesthetics.

18          Q     And you kept that location of that  
19       separate business what it was, you didn't move it?

20          A     (Witness nods.)

21          Q     What about the aesthetics, was that  
22       being done out of the Priority Medical Care office?

23          A     Well, at that point we -- that's where I'm  
24       not sure of the timing. We had initially expanded  
25       internally in that same floor of the building and

1 then we expanded, the next opportunity came to  
2 expand where there was space and to build truly a  
3 dedicated aesthetics center on sort of the same  
4 floor other half of the building. And that's when  
5 it really took on its, I mean, up to that we were  
6 doing it fully as a separate line of business --

7 Q Within the practice, within the same  
8 building?

9 A Within the same building.

10 Q Same office, within the same office?

11 A Well, same office it was again the  
12 separate division of how it was termed but it  
13 quickly became it's own division, its own waiting  
14 area, its own entrance, I mean, it was a separate  
15 entity in the building.

16 Q And when it became a separate part of the  
17 building, part of the building that is, did it have  
18 a different name put on it?

19 A The title, the name of that division  
20 started before we had the separate space.

21 Q And what was it called?

22 A It was Reflections Center for Skin and  
23 Body.

24 Q Center for Skin and Body?

25 A I think. It's been awhile.

Page 17

1           Q     And about when did you start using that  
2     name Reflections Skin and Body?  
3           A     Before we had the physical space for it.  
4     I mean, that was something you know we wanted to,  
5     Mitch's dad is a graphic artist so the concept of  
6     trademarking and service marking was sort of  
7     natural. Even when we started with Priority, we  
8     labored together over the name, we labored together  
9     over Reflections, we had debates over what to call  
10    it.

11          Q     So the Reflections Center for Skin and  
12     Body, who coined that name to the best of your --

13          A     I would say Mitch. I mean, I definitely  
14     had input, we had input about the secondary  
15     phrasing, Love the Skin You're In, or something like  
16     that it was, I was into sort of the concept I liked  
17     the Reflection concept because to me I wanted to  
18     work on reflecting your inner self, your inner  
19     beauty, I wasn't huge for the actual aesthetics but  
20     I liked the concept that maybe it could reflect from  
21     inside. So I remember discussing that whole concept  
22     of it. So that was --

23          Q     Can you explain that a little bit? That's  
24     interesting. It's kind of deep.

25          A     Well, it was. I mean, I was, I just

Page 20

1 the space we took. We were you know the name and  
2 the concept an aesthetics division as an entity name  
3 really early on in doing any services. Then the  
4 home base for that entity evolved because we  
5 initially segregated rooms in our practice for that.  
6 And I know, I know as best I could remember, we were  
7 working on a title. You know the idea was it was  
8 important to brand, especially because we were doing  
9 urgent care, we were doing workers' comp, so in  
10 order for this to actually have an appeal to people,  
11 it had to have definition so branding was really  
12 important. As I said, Mitch was very focused on  
13 branding and it made sense. So we branded as the  
14 decision was made to really do these services. Then  
15 we did them within the practice then whenever we had  
16 the chance to expand the space, we did that, we  
17 expanded the space in several steps. We expanded  
18 the space, sort of had an extra corridor where we  
19 did the services then we took the other section, the  
20 far end where it had its own entrance. Then we  
21 back-filled and it grew and took over other space we  
22 had in my section, like primary section because at  
23 one point Mitch and I divided our practice, we  
24 split. At that point we physically, his place  
25 expanded to take more space. So it's gone through

Page 25

1 And then various classifications and so forth. It  
2 does not in this registration and it says, it does  
3 not refer anywhere in here to the name Reflections  
4 Center for Skin and Body. Do you know why -- first  
5 of all, let me ask this question. Strike that.

6 Do you know if any registration was ever  
7 applied for for the name Reflections Center for Skin  
8 and Body?

9 A I couldn't answer that because I didn't  
10 handle any of these. I didn't even handle the  
11 registration for Priority to be honest with you.

12 Q Fair enough. Do you know why the word  
13 Reflections was singly, by itself registered for but  
14 not the rest of the name?

15 A Again, I had no involvement in that so I  
16 couldn't answer what was done, why it was done, you  
17 know. It wasn't one of my tasks.

18 Q Fair enough. Do you know if there was any  
19 division or office in your practice or collective  
20 practice that was called just the word Reflections?

21 A I can't call that meeting as a formal  
22 title.

23 Q Was there a sign up anywhere that said  
24 just Reflections by itself?

25 A My only recollection, and again it's

Page 26

1        recollection.

2            Q     That's all you got.

3            A     Reflections Center for Skin and Body.

4            Q     You don't recall the word Reflections

5     being used by itself on any particular letterhead,

6     name card --

7            A     I truly don't but.

8            Q     And all I can ask is your recollection and

9     if you don't, you don't recall, or you do, whatever.

10    So you don't recall any of that?

11           A     No.

12           Q     So any kind of, the sign on the wall that

13     you referred to said Reflections Center for Skin and

14     Body?

15           A     As I recall it.

16           Q     As you recall it. Okay. And you don't  
17     have any explanation, I'm not going to ask this  
18     question again, but you don't have any explanation  
19     as to is why the registration the word Reflections  
20     was filed by itself?

21           A     To be honest with you, I had no direct  
22     involvement with registrations other than like I  
23     said I paid for renewals or paid bills, so I don't  
24     really understand the structure of how they're done.  
25     I wasn't involved in that, so I don't know about the

Page 34

1 not considered surgery. Right?

2 A No. I don't think so. No. I mean, it's  
3 not. I can't think beyond that. Truly, I don't  
4 know everything that was done because we had, I  
5 don't think Mitch was happy that I wasn't doing any  
6 more services at a certain point but I just didn't  
7 want to do them. So I wasn't happy that he wasn't  
8 seeing patients, but we basically had to take charge  
9 of each of our divisions and focus on those.

10 Q He didn't do any plastic surgery,  
11 Dr. Chasin, did he?

12 A I'm not sure what you're referring to as  
13 that.

14 Q Well --

15 A Again, you're talking about in the office?

16 Q In the office or actually anywhere as far  
17 as you know.

18 A When are we talking about?

19 Q At any time that you worked because you  
20 only worked with him in 2007. Right?

21 A At a certain point, after our practice  
22 together was gone, after he had left or even before  
23 he had opened up a second office in Livingston, same  
24 name, Reflections, and he was running that and  
25 actually wanted me to be a part of that but I didn't

1 want to be.

2 Q You said, "same name, Reflections." Do  
3 you mean Reflections Center for Skin and Body?

4 A Correct.

5 Q Not Reflections by itself?

6 A See --

7 Q You're just using a shorthand?

8 A Yes. Absolutely. Thank you for  
9 clarifying.

10 Q Go ahead.

11 A So he opened up a second center, and at a  
12 certain point, I don't remember the timing, he  
13 started doing laser, laser-assisted liposuction at  
14 that center and I did some of that with him. He  
15 encouraged me afterwards to train and to do that.

16 Q Can you explain for a layperson what  
17 exactly that is?

18 A It's basically doing, well, liposuction is  
19 a way of removing fat from the pads from the skin  
20 and laser-assisted liposuction is a way of using  
21 specifically designed lasers with a kind of a  
22 filament that you insert through small incisions to,  
23 to expand the fatty tissue layer balanced with  
24 fluids with anesthetic as well as saline and then  
25 the laser helps to dissolve the fat and then it's

1           **suctioned out.**

2           Q     Is that painful?

3           A     Well, what you're putting in there is an  
4       anesthetic solution so it's uncomfortable but  
5       if done right, it's not really painful. So he did,  
6       you know, substantial training. Went to not just  
7       courses but went and preceptive, not preceptive but  
8       mentored, had people come in and train him, went to  
9       various sights around the country, did extensively,  
10      he had been doing that for awhile before he actually  
11      started the processing.

12       Q     Is that done in the office?

13       A     In the office, yeah.

14       Q     Is that considered to be invasive, medium  
15      invasive --

16       A     I'm not sure who makes that decision.

17       Q     We'll leave that alone then. Is that in  
18      your mind surgery considered surgery in the way you  
19      understand it as a medical doctor? That's just from  
20      your perspective.

21       A     I don't think so. I think it's a  
22      procedure, I think there's a distinction as I  
23      understand it, but I mean again, that's my  
24      recollection, it was you know we do procedures in  
25      the office for, I do suturing, I don't consider that

Page 41

1 Reflections, you're always referring to Reflections  
2 Center for Skin and Body?

3 A Correct.

4 Q You believe that that was registered in  
5 your mind?

6 A In my mind that's what we referred to the  
7 place as, that's what the signs were. So in my  
8 mind, it would be more than that, it wouldn't just  
9 be that because I know sometimes with registrations  
10 sometimes there are variations in that, so I  
11 wouldn't have thought that and only that, but in my  
12 mind, that's what it was called. And Reflections  
13 was certainly, if you asked me on a day-to-day  
14 business basis when I was looking at the books with  
15 the accountant, we'd go, so what are the Reflection  
16 numbers, what are the Priority numbers. We'd call  
17 Priority, Priority even though clearly it's  
18 registered as Priority Medical Care, and we would  
19 call Reflections, Reflections. So if I say  
20 Reflections, it's because that was the shortcut  
21 jargon of referring to our divisions, that's all.  
22 So I don't want you to read too much into me calling  
23 it Reflections because that's just what --

24 Q Thank you for clarifying. No, I'm not  
25 reading it at all. I get you. And but for the

Page 42

1 customers, customers, for the patients that walked  
2 in the door, they would only see, to the extent  
3 there was any writing about a sign or on a piece of  
4 document or whatever, they would only see the name  
5 Reflections Center for Skin and Body, they wouldn't  
6 see the word Reflections by itself?

7 A Well, I believe, Reflections was big,  
8 bigger than any other words, just like Priority  
9 Medical Care. You know, Urgent Medical and Family  
10 Health Center were the small things in our name but  
11 the name that stood out was Reflections Center for  
12 Skin and Body. But certainly, casually you might  
13 look at that and go, oh, Reflections because that's  
14 the bigger word. That's my recollection.

15 Q But the name was always all together, the  
16 full name?

17 A As I recall it, and I can't say always  
18 just that's how I recall it to be.

19 Q Understood.

20 A Excuse me, yes. I definitely, now you say  
21 recalled it, the other place was referred to  
22 Reflections of Livingston.

23 Q Which place?

24 A The second center, Reflections of  
25 Livingston, that's how we would refer to it as. In

Page 43

1 other words, because there was Reflections and  
2 Reflections of Livingston we had to deal with. When  
3 you mentioned that name where it was tied to, yeah.  
4 I mean, certainly it was called that because that  
5 was a distinction in which office are you talking  
6 about.

7 Q But the office, that office was also  
8 Reflections Center for Skin and Body when you  
9 entered it?

10 A I won't say that with certainly. That was  
11 my understanding. I was there very few times.

12 Q That was your understanding?

13 A Yeah. I mean, I just didn't go there very  
14 much. That was Mitch's place.

15 Q It was your understanding that the second  
16 office that Mitch opened or Dr. Chasin opened which  
17 was also called Reflections Center for Skin and  
18 Body, that also went by among yourselves Reflections  
19 of Livingston?

20 A On the business level.

21 Q On the business level between you guys.

22 A Because we had to have a distinction.

23 Q But there was no sign there that said  
24 Reflections of Livingston as far as you could  
25 recall?

Page 44

1           A     No.   But again, minimal, minimal  
2 interaction there. I went there a couple of times,  
3 you know. It was an awkward entity to have him run  
4 a separate entity while we were partners in the  
5 first one.

6           Q     Understood. Understood. But I'm just  
7 trying to get your best recollection. You don't  
8 believe that there was a sign called Reflections of  
9 Livingston on that second office?

10          A     I have no recollection of that, but I have  
11 no recollection if there wasn't. I mean, I just,  
12 you know, I just didn't go there, I mean, I have  
13 gone there. I actually went there in that brief  
14 period when I would do work with the laser lipo with  
15 Mitch, see the patients there to talk to them, so I  
16 went there a few times but it was not something that  
17 I was -- we were not -- I didn't own it any more.  
18 It wasn't in my life any more at that point.

19          Q     So you're not even sure -- strike that.

20                 A little earlier you testified that you  
21 believe that the second center was also called  
22 Reflections Center for Skin and Body. Is that still  
23 your recollection?

24          A     That is my recollection but that's based  
25 on literally searching my brain back. I mean, I

Page 45

1 have no basis other than...

2 Q Your recollection?

3 A That's my recollection.

4 MR. KEYHANI: How about we take a few  
5 minute break and you can use the bathroom if you  
6 need to. I'll talk to my colleague here.

7 (A break is taken.)

8 MR. KEYHANI: Dr. Brodrick, we are  
9 very appreciative that you came in to do this and  
10 you will not be getting any more subpoenas from us  
11 at least and I don't have any more questions for  
12 you. Your evening is over unless Mr. Paradise has  
13 any questions.

14 MR. PARADISE: I don't have any  
15 questions or a desire to keep you any later so this  
16 concludes the deposition.

17 THE WITNESS: Thank you.

18 (Deposition adjourned at 7:43 p.m.)

19

20

21

22

23

24

25